



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

**REGION IX**

**75 Hawthorne Street  
San Francisco, CA 94105-3901**

**NOV 17 2015**

**OFFICE OF THE  
REGIONAL ADMINISTRATOR**

The Honorable Ted Lieu  
United States Congress  
415 Cannon House Office Building  
Washington, DC 20615

Dear Congressman Lieu:

Thank you for providing EPA with Ms. Jennifer deNicola's recent correspondence and materials, which include results of PCB tests conducted by America Unites for Kids at Malibu High School. EPA takes very seriously the concerns raised, and we remain committed to ensuring that the school community is safe from exposure to PCBs. As you may be aware, over the past two years, we have been working closely with the Santa Monica Malibu Unified School District to assess and reduce potential PCB exposures at the school.

PCBs are regulated under the federal Toxic Substances Control Act (TSCA) and its implementing regulations. In working with the District to address PCBs, we have advised the District of their TSCA obligations and provided additional input consistent with EPA's national guidelines for managing PCBs in indoor school environments<sup>1</sup>. As part of these activities, the District developed a plan and EPA issued a TSCA Approval to the District on October 31, 2014 and a supplement to that Approval on November 2, 2015 (enclosed). Any PCBs discovered should be managed consistent with the directives in EPA's approvals.

Based on EPA guidance, the District's actions have focused on the human exposure pathways of greatest concern, namely air and dust, to ensure that students and teachers are safe from exposure to PCBs. The recent sampling conducted by America Unites for Kids does not alter the finding that, based on over 1,000 air and dust samples the District collected at both Malibu schools, these PCB exposure pathways are currently being addressed by the District in a manner that protects public health.

We trust that this information is helpful in addressing the concerns raised by your constituent. If you have any further questions, please have your staff contact our Congressional Liaison, Brent Maier, at 415.947.4256.

Sincerely,

A handwritten signature in black ink, appearing to read "Jared Blumenfeld".

Jared Blumenfeld

Enclosures

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<sup>1</sup> EPA national guidelines on PCBs in caulk are found in "PCBs in Building Materials – Questions and Answers" dated July 28, 2015 ([http://www3.epa.gov/epawaste/hazard/tsd/pcbs/pubs/caulk/pdf/pcb\\_bdg\\_mat\\_qa.pdf](http://www3.epa.gov/epawaste/hazard/tsd/pcbs/pubs/caulk/pdf/pcb_bdg_mat_qa.pdf)).





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105

NOV 02 2015

Ms. Sandra Lyon, Superintendent  
Santa Monica Malibu Unified School District  
1651 Sixteenth Street  
Santa Monica, California 90404  
slyon@smmusd.org

Dear Superintendent Lyon:

Thank you for submitting the Report<sup>1</sup> providing information on PCB sampling and removal activities at Malibu High School (MHS) and Juan Cabrillo Elementary School (JCES) over the past year. This work was outlined in a cleanup application (the "Application")<sup>2</sup> submitted to the U.S. Environmental Protection Agency, Region 9 (EPA) in 2014 and approved, in part, by EPA through the issuance on October 31, 2014 of a Toxic Substance and Control Act (TSCA) approval<sup>3</sup> (the "Approval"). EPA's Approval addressed PCB remediation waste remaining in place after removal of certain PCB-containing materials by the District, including caulk.

After reviewing the information contained in the Report, we have determined that the removal work, BMPs, and air and wipe sampling were performed consistent with EPA's national guidelines to protect public health from PCBs in schools<sup>4</sup> and the terms and conditions of the Approval. In addition, the Report describes the removal by the District of PCB containing fluorescent light ballasts and fixtures, and caulk known and verified to have PCB concentrations at  $\geq 50$  ppm. Finally, we find that the District has successfully treated the porous and non-porous substrates in contact with the caulk consistent with the requirements of the Approval.

As outlined in the Report, during the summer of 2015, the District took 410 wipe samples and 57 air samples to measure the efficacy of remediation and BMP measures, and ensure that PCB levels in classrooms are below exposure levels established in the Approval. As a result and consistent with our earlier finding in the Approval, EPA continues to find that PCB remediation wastes remaining in place at

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<sup>1</sup> "Conclusion of PCB sampling Pilot Study and 2015 PCB Removal Activities Report for Malibu High School and Juan Cabrillo Elementary School for the Santa Monica-Malibu Unified School District" submitted October 2015.

<sup>2</sup> "Site-Specific PCB-Related Building Materials Management, Characterization and Remediation Plan for the Library and Building E Rooms 1, 5, and 8 at Malibu High School" dated July 2014 and subsequent amendment "Supplemental Removal Information for the Library, Building E – Rooms 1, 5, and 8 and Building G – Room 506 at Malibu High School" dated September 26, 2014.

<sup>3</sup> "TSCA PCB Cleanup and Disposal Approval under 40 C.F.R. § 761.61(c) for Malibu High School and Juan Cabrillo Elementary School" issued October 31, 2014

<sup>4</sup> EPA national guidelines on PCBs in caulk were formerly outlined in a document titled "PCBs in Caulk – Q&A". That material has since been updated in "PCBs in Building Materials – Questions and Answers" dated July 28, 2015.

MHS and JCES do not pose an unreasonable risk of injury to health or the environment. Furthermore, based upon the sampling data, the District has demonstrated that conditions at both schools continue to meet EPA national guidelines to protect public health from PCBs in schools. Based on the monitoring results to date (over 900 wipe samples and 200 air samples since December 2013), and the ongoing and future implementation of BMPs and monitoring at MHS and JCES, as specified below, EPA does not believe that there is a need for additional testing of potential PCB source materials until planned renovation or demolition.

Page 2 of the Approval required that the District submit the findings of the evaluation of air and wipe samples, along with a supplement to the Application, as needed, to address additional monitoring for the period after July 1, 2015. In accordance with that provision, the District submitted the required supplements in Sections 6.1.3 and 6.2.1 of the Report. Based upon that submission, EPA hereby approves these supplements with the following condition:

- Additional post-BMP air and surface wipe sampling shall be conducted at MHS and JCES, during the 2016 and 2017 summer breaks. At a minimum, air and wipe samples shall be collected in rooms where caulk with PCBs  $\geq 50$  ppm was removed during the summer of 2015 and PCB remediation wastes remain. The District shall also reevaluate the efficacy of the encapsulant via surface wipe sampling. The results shall be evaluated and reported to EPA 90 days after the completion of each sampling round.

Additionally, the District shall continue to implement the following terms and conditions set forth in the Approval to address PCB bulk remediation waste:

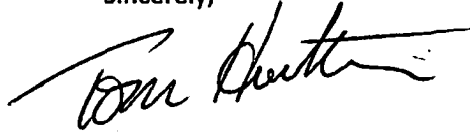
- Any porous substrates (e.g., concrete) in contact with any newly discovered building material with known and verified PCBs  $\geq 50$  ppm is encapsulated after the newly discovered building material is removed and the encapsulated surface is tested and verified to be below  $1 \text{ ug}/100\text{cm}^2$  ;
- Any non-porous surfaces (e.g., metal) in contact with any newly discovered building material with known and verified PCBs  $\geq 50$  ppm is decontaminated and verified through surface wipe testing to be below  $1 \text{ ug}/100\text{cm}^2$ ;
- BMPs, including proper maintenance of the ventilation system and increased cleaning of classrooms, continue to be implemented in the manner and frequency specified in sections 1.2, C.1.2, and the supplement to the Application;
- All future air sampling results shall be evaluated using EPA's public health levels for PCBs in air (now renamed "Exposure Levels for Evaluating PCBs in Indoor School Air"), found in *"PCBs in Building Materials – Questions and Answers"* dated July 28, 2015, and wipe sampling results shall be evaluated against a surface concentration goal of  $1 \text{ ug} / 100 \text{ cm}^2$ ; and
- PCB-contaminated porous substrates shall be removed or decontaminated down to 1 ppm when the specific area is renovated or demolished.

Compliance with the supplemental conditions to the Approval contained in this letter does not relieve the District and its consultants from complying with the terms and conditions of the original Approval,

other applicable TSCA PCB and Federal regulations, or state and local regulations and permits. Departure from the Approval as supplemented without prior written permission from EPA may result in revocation of the Approval. Finally, if additional information demonstrates that EPA can no longer make a no unreasonable risk determination, EPA will modify or revoke the Approval, as supplemented.

We appreciate the District's efforts in addressing PCBs at Malibu schools. Please call Steve Armann at (415) 972-3352 if you have any questions regarding this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Hunter". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

*for* Jeff Scott, Director  
Land Division





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105-3901

OCT 31 2014

OFFICE OF THE  
REGIONAL ADMINISTRATOR

Ms. Sandra Lyon, Superintendent  
Santa Monica Malibu Unified School District  
1651 Sixteenth Street  
Santa Monica, California 90404  
slyon@smmusd.org

Dear Superintendent Lyon:

Thank you for submitting your polychlorinated biphenyl (PCB) cleanup plan to the U.S. Environmental Protection Agency, Region 9 (EPA) which addresses the removal of PCB-containing caulk, cleanup of the substrate in contact with this caulk, verification sampling, and implementation of best management practices at Malibu High School and Juan Cabrillo Elementary School.

As you know, the federal Toxic Substances Control Act (TSCA) and implementing regulations prohibit the use of caulk containing PCBs at or above 50 ppm. When such caulk is found, it must be removed and disposed of in accordance with TSCA. To date, the District's contractor has found window caulking in four samples above 50 ppm at the high school. Under the District's plan, the District proposes to (1) remove PCB-containing caulk currently known and verified at Malibu High School no later than June 30, 2015; and (2) remove from Malibu High School and Juan Cabrillo Elementary School any newly discovered PCB-containing caulk within one year after the District verifies that the caulk contains PCBs at or above 50 ppm. This activity, as proposed by the District, is not required to be part of the enclosed approval. EPA's enclosed approval addresses the PCBs remaining in the substrate (known as PCB remediation waste) after PCB-containing caulk is removed at both schools.

An approval under TSCA regulations in 40 CFR 761.61(c) requires EPA to make a finding that PCB remediation wastes remaining in place at the two schools will not pose an unreasonable risk of injury to health or the environment. EPA is hereby making a finding that the District meets this TSCA standard for Malibu High School and Juan Cabrillo Elementary School as discussed in the enclosure. The District will continue to take air and surface wipe sample data to monitor conditions at the schools and this data will be provided to the public.

We appreciate the District's efforts in addressing PCBs at schools within the District. Please call Steve Armann at (415) 972-3352 if you have questions regarding this letter or the enclosed approval.

Sincerely,

A handwritten signature in black ink, appearing to read "Jared Blumenfeld".

Jared Blumenfeld

Enclosure: TSCA PCB Cleanup and Disposal Approval

cc: Miriam Ingenito, Acting Director, DTSC





U.S. Environmental Protection Agency Region 9  
TSCA PCB Cleanup and Disposal Approval under 40 C.F.R. § 761.61(c) for  
Malibu High School and Juan Cabrillo Elementary School  
October 31, 2014

Pursuant to 40 C.F.R. § 761.61(c), the U.S. Environmental Protection Agency, Region 9 (EPA) is approving certain provisions, as described below, from the "Site-Specific PCB-Related Building Materials Management, Characterization and Remediation Plan for the Library and Building E Rooms 1, 5, and 8 at Malibu High School" dated July 2014 as subsequently amended<sup>1</sup> ("the Application"), which is an attachment to this approval. The Application was submitted to EPA by the Santa Monica-Malibu Unified School District (the "District").

Specifically, EPA is approving the following provisions as the risk-based management and cleanup plan from the District's Application to address the substrate in contact with the PCB-containing caulk (known as PCB remediation waste) following removal of the caulk at Malibu High School (MHS) and Juan Cabrillo Elementary School (JCES):<sup>2</sup>

- Porous substrates (e.g., concrete) shall receive the following treatment after PCB-containing caulk is removed: surface preparation and application of a double coat of a non-VOC epoxy-based sealant<sup>3</sup> over the area underlying all the removed caulk and up to one foot from the caulk/substrate contact area followed by application of new caulk. Surface wipe verification testing shall be performed at a minimum at each location where substrate was encapsulated. The approved provisions are contained in the Application in sections F.1.6, F.1.10 and the supplement.
- Non-porous substrates (e.g., metal) shall be decontaminated with a solvent to achieve a surface wipe concentration of less than 1 ug/100 cm<sup>2</sup> based on verification wipe tests. The procedures will be repeated until the 1 ug/100 cm<sup>2</sup> goal is met. The approved provisions are contained in the Application in sections F.1.5, F.1.9 and the supplement.
- Best Management Practices (BMPs), including proper maintenance of the ventilation system at the schools, increased cleaning of the classrooms to reduce dust and residue buildup, and use of cleaning equipment that does not cause dust to become airborne, shall be implemented consistent with the schedules set forth in the Application. These schedules include weekly, monthly and annual procedures as specified in sections 1.2.2.1 and 1.2.2.2, which shall continue to be implemented unless EPA approves different procedures. The approved provisions are contained in the Application in sections 1.2, C.1.2, and the supplement.

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<sup>1</sup> The District's application was amended by an email message from Jan Maez to Tom Huetteman on August 14, 2014 and the "Supplemental Removal Information for the Library, Building E – Rooms 1, 5, and 8 and Building G – Room 506 at Malibu High School" dated September 26, 2014.

<sup>2</sup> These provisions equally apply to substrate in contact with presently identified PCB-contaminated caulk as well as such areas identified in the future.

<sup>3</sup> The District shall use the non-VOC epoxy-based sealant evaluated by U.S. EPA's Office of Research and Development in the report "Laboratory Study of Polychlorinated Biphenyl (PCB) Contamination and Mitigation in Buildings" (EPA/600/R-11/156B April 2012).

- Periodic air and surface wipe samples shall be collected to monitor the efficacy of the above remediation and BMP measures until major renovation or demolition occurs that results in removal of PCB-contaminated material. The District shall undertake monitoring, as identified in the Application, through July 1, 2015. Based upon data collected during this initial monitoring period, the District will propose for EPA approval a supplement to the Application to include a new monitoring plan for the period after July 1, 2015. The plan shall include an evaluation of monitoring data collected to date and a description of how the monitoring plan will continue to ensure the effectiveness of the remediation and BMP measures as evaluated against the levels identified in the following bullet. EPA will approve the plan as submitted or as modified by EPA. The approved provisions are contained in the Application in section 1.2.3, Appendix D, and the supplement.
- All air samples gathered by the District shall be evaluated against the applicable EPA public health levels for PCBs in air, as set forth at <http://www.epa.gov/pbcsincaulk/maxconcentrations.htm> (those levels range from 70 to 600 ng/m<sup>3</sup> based on the age of the children and the duration of exposure), and all surface wipe samples shall be evaluated against the District's proposed goal of 1 ug/100 cm<sup>2</sup>. These air and surface wipe concentrations are health-based screening levels that, pursuant to this approval, will be used to evaluate the effectiveness of the remediation and BMP measures at ensuring that PCBs remain at levels protective of human health. If any samples exceed these levels, within thirty (30) days of receipt of the laboratory results, the District shall conduct an evaluation of the exceedances, including an assessment of the causes and identifying any possible failure in the stringency or implementation of the remediation or BMP measures resulting in the exceedances. For surface wipe data, the evaluation should consider all the surface wipe data in the room to estimate an exposure concentration. The findings of the evaluation shall be submitted to EPA along with a supplement to the Application, as needed, to address any noted deficiencies to the BMPs. The application may include proposals for the collection of additional data to evaluate room-specific exposure risks and/or include additional remediation or BMP measures. The approved provisions are contained in the Application in section 1.2.3 and the supplement.
- Removal or decontamination of porous substrates to 1 mg/kg PCBs in substrate material shall occur at the time of major renovation or demolition, and all PCB waste shall be disposed of consistent with 40 C.F.R. Part 761. Consistent with section 1.4 in the Application, the District will submit a detailed site-specific remediation plan to EPA at least 60 days prior to the planned renovation/demolition, which EPA will evaluate and approve through a separate approval action.

An approval under 40 C.F.R. § 761.61(c) requires EPA to make a finding that PCB remediation wastes remaining in place at MHS and JCES will not pose an unreasonable risk of injury to health or the environment. EPA is hereby making a finding that the remediation wastes meet this TSCA standard for MHS and JCES.

First, the District has demonstrated that conditions at the school presently meet EPA national guidelines to protect public health from PCBs in schools.<sup>4</sup> Following EPA guidance, the District implemented a plan

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<sup>4</sup> EPA's national guidance and policy on PCBs in caulk is found in the document "PCBs in Caulk - Q&A" at [http://www.epa.gov/pbcsincaulk/pdf/caulk\\_faq.pdf](http://www.epa.gov/pbcsincaulk/pdf/caulk_faq.pdf). EPA incorporates that document into today's approval.

of BMPs that included improved cleaning procedures, identification and removal of PCB-containing fluorescent light ballasts, and inspection and repair of deteriorating caulk. To evaluate exposures to PCBs and the effectiveness of BMPs, the District voluntarily collected 163 air and 503 surface wipe samples.

The air and surface wipe testing results were compared to the health-based screening levels identified in the fifth bullet, above, before and after the implementation of BMPs. Only two pre-BMP and none of the post-BMP air samples were above those levels for air. Of the 503 pre-BMP surface wipe samples, 482 were below the health-based screening level of 1 ug/100 cm<sup>2</sup> and 84% of all samples were non-detect. After BMPs, only two locations exceeded the screening level for surface wipes. In one location, the wipe sample was collected directly from a caulk surface and none of the other eight wipe sample locations in that room were above the screening level. That caulk will be removed within one year. The other room with one location above the screening level post-BMP was only slightly above that level (at 2.6 ug/100 cm<sup>2</sup>), while nine other post-BMP surface wipe locations from throughout the same room were non-detect. When evaluating PCB exposures to dust concentrations in a room, EPA considers all the data in the room to estimate an exposure concentration. In this case, the exposure concentration calculated at a 95% upper confidence limit of the mean is below the screening level for surface wipes and therefore considered acceptable.

EPA research studies show that primary health concerns from PCBs in building materials derive from inhalation of contaminated air; and secondarily from contact with PCBs in dust and subsequent incidental ingestion<sup>5</sup>. Overall, the sampling data from the two schools demonstrate that these PCB exposure pathways are currently being addressed by the District's BMPs in a manner that protects public health. Thus, the District's undertaking of the BMPs, as verified by pre- and post-BMP sampling data, demonstrates that the TSCA standard for no unreasonable risk is currently being met at MHS and JCES.

Second, based on the continuous implementation of the BMP program in conjunction with the District's planned removal of PCB-containing caulk and the measures in this approval, EPA has determined that conditions at the school will continue to protect public health and meet the TSCA standard until the building components covered by this approval are removed during school renovation or demolition. Among others, the BMP program includes continuous cleaning of the schools. Moreover, the ongoing efficacy of the BMPs and other approved measures will be verified through the periodic air and surface wipe sampling required by this approval. If at any point such monitoring demonstrates that the approved BMPs and other measures are not working as intended, the District must identify any failures of these measures and revise those procedures as necessary to be protective by submitting a revised TSCA application to EPA.

This approval does not relieve the District and its consultants from complying with other applicable TSCA PCB and Federal regulations, or state and local regulations and permits. Departure from this approval without prior written permission from EPA may result in revocation of this approval. If additional information demonstrates that EPA can no longer make a no unreasonable risk determination, EPA will modify or revoke the approval.

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<sup>5</sup> See "PCBs in School Buildings: Sources, Environmental Levels, and Exposures" EPA/600/R-12/051, Sept. 30, 2012.

